

Ordinance No. 2019-04

**An ordinance amending city code sections 300.10, 300.11, and 300.15,
regarding residential zoning districts**

The City Of Minnetonka Ordains:

Section 1. Section 300.10, Subdivision 3 of the Minnetonka City Code, regarding accessory structures in the R-1 zoning district, is amended as follows:

Within the R-1 district only the following uses shall be permitted as accessory uses, provided they are subordinate to, associated with and located on the same lot as a permitted use:

- a) private swimming pools, except as provided for in subdivision 4;
- b) ~~detached garages, one storage shed of any size or other a~~ accessory structures, except swimming pools, unless covered with an accessory structure, not exceeding 12 feet in height or an aggregate of 1,000 square feet of gross floor area ~~or occupying more than 30 percent of the area of the side or rear yard in which they are located~~ and except as provided for in subdivision 4;
- c) receive only satellite dish antennas and other antenna devices up to a maximum height of 60 feet as measured from the ground upon which it is located subject to the requirements provided in section 300.15, subd. 12; and radio devices no larger than one cubic foot in size that are attached to utility poles, if there is no more than one per pole;
- d) solar equipment;
- e) ~~greenhouses not exceeding 12 feet in height or 1,000 square feet in gross floor area or occupying more than 30 percent of the side or rear yard in which they are located and provided they are not used for commercial purposes;~~
- f)e) private tennis courts, except as provided for in subdivision 4;

The stricken language is deleted; the single-underlined language is inserted.

- ~~g) — living facilities for no more than two boarders or roomers within a single family dwelling unit, provided that such facilities do not constitute an accessory apartment and that adequate off-street parking is provided;~~
- h)f) home occupations that comply with the provisions of section 300.15, subd. 14;
- i)g) minor mass transit facilities including benches, which benches may include advertising signs consistent with the provisions of section 325 of the code of city ordinances, except as provided for in subdivision 4;
- j)h) recreational facilities and structures, provided they contain less than 1,000 square feet of gross floor area, and except as provided for in subdivision 4;
- k)i) evergreen material sales if in compliance with the standards specified in section 300.15, subd. 13, and the city planner has given approval;
- h)j) public or private schools having a course of instruction meeting the compulsory education requirements of the Minnesota board of education for students enrolled in grades K-12, or any portion thereof, provided that each school:
- 1) serves no more than 12 students, unless each and every one of the students is living in the structure and is the child, grandchild, parent, grandparent, spouse, or ward of a family member living in the structure;
 - 2) has no residential facilities for students who are not the child, grandchild, parent, grandparent, spouse, or ward of a family member living in the structure;
 - 3) has no more than one employee or independent teaching contractor who lives outside the structure, unless the total number of traffic trips generated by these people does not exceed the total of one trip to and from the structure for each day of instruction;
 - 4) complies with the sign regulations for permitted residential uses, not conditionally permitted uses, in the applicable zoning district; and
 - 5) complies with all other applicable city ordinances regarding parking.
- m)k) licensed day care facilities serving 12 or fewer persons, and licensed group family day care facilities serving 14 or fewer children, provided that there is not more than one outside employee in any such facility;
- n)l) garage sales, estate sales, yard sales, rummage sales, and other sales of personal property that have similar traffic and parking patterns, if:

- 1) the sales occur during no more than two periods of a maximum of three consecutive days each in any 12-month period,
 - 2) the items offered for sale consist only of items owned by a person who occupies the property as his/her residence or by friends of the resident;
 - 3) none of the items offered for sale have been purchased for resale or received on consignment for purposes of resale, and
 - 4) paragraphs 1, 2 and 3 do not apply to conditionally permitted educational, religious, and public institutions; and
- e)m) other uses that are not regulated by this code and that are customarily associated with but subordinate to a permitted use, as reasonably determined by the city.

Section 2. Section 300.10, Subdivision 6 of the Minnetonka City Code, regarding additional requirements in the R-1 zoning district, is amended as follows:

- a) All dwellings, including manufactured homes, shall have a depth of at least 20 feet for at least 50 percent of their width. All dwellings, including manufactured homes, shall have a width of at least 20 feet for at least 50 percent of their depth.
- b) All dwellings shall have a permanent foundation in conformance with the Minnesota state building code.
- c) Accessory structures shall conform to the setbacks established for principal structures, except for the following:
 - a. all accessory structures located more than 10 feet from a principal structure may be located a minimum of 10 feet from a rear or side lot line;
 - b. ~~all accessory structures, except detached garages, must be located behind the front line of the principal structure or maintain a minimum setback of 50 feet when~~ which are located between the principal structure and the front lot line ~~shall maintain a minimum setback of 50 feet; and~~
 - c. ~~sheds or storage buildings less than 120 square feet in size shall be located behind the rear building line of the house; and~~
 - d.c. swimming pools shall be located behind the front building line of the house, and 15 feet side and rear setbacks as measured to the water line are required. On corner lots, swimming pools shall be subject to front yard setbacks established for principal structures.

- d) Off-street parking shall be provided for at least two vehicles for all single family dwellings. A suitable location for a garage measuring at least 20 feet by 24 feet which does not require a variance shall be provided and indicated as such on a survey or site plan to be submitted when applying for a building permit to construct a new dwelling or alter an existing garage.
- e) Each lot must have a buildable area as defined by this ordinance and established in section 400 of this code. The purpose for a buildable area is to ensure that each lot has a reasonable area for the location of a house, attached garage, and associated decks or patios and that there is sufficient room for the location of the house to be positioned to minimize the physical impacts on the lot and to be consistent with the surrounding neighborhood. This does not require that a house pad occupy the entire buildable area. Each lot must comply with the following:
 - a. The buildable area must be designated by the applicant and approved by the city council at the time of the subdivision creating the lot. For pre-existing lots, the buildable area will be designated by the city planner based on the standards contained in this ordinance and section 400 of this code.
 - b. The city may require that construction within the buildable area be located where the city determines it would reasonably:
 - i. minimize the amount of adverse impacts to the physical environment on the lot, including such things as significant trees, grading, erosion, and surface water drainage, and
 - ii. be consistent with the location of the structures in the surrounding neighborhood.
 - c. No principal structure, or any portion of it, may be located outside the buildable area, except when intrusions into setbacks are allowed by this code.
 - d. If a home exists on a lot with less than the minimum buildable area, the home may be enlarged or rebuilt within the applicable setbacks without a variance from the buildable area standard.

Section 3. Section 300.11, Subdivision 3 of the Minnetonka City Code, regarding accessory structures in the R-2 zoning district, is amended as follows:

Within the R-2 district only the following uses are permitted as accessory uses, provided they are subordinate to, associated with and located on the same lot as a permitted use:

- a) private swimming pools, tennis courts, and other sport courts;

- b) ~~detached garages, storage sheds, or other a~~ accessory structures not exceeding 12 feet in height, ~~or~~ an aggregate of 600 square feet of gross floor area, ~~or occupying more than 30 percent of the area of the side or rear yard in which they are located and~~ except as provided for in subdivision 4;
- c) solar equipment;
- d) home occupations that comply with the provisions of section 300.15, subd. 14;
- e) minor mass transit facilities including benches, except as provided for in subdivision 4;
- f) licensed day care facilities serving 12 or fewer persons, and licensed group family day care facilities serving 14 or fewer children, provided that there is not more than one outside employee in any such facility;
- g) garage sales, estate sales, yard sales, rummage sales, and other sales of personal property that have similar traffic and parking patterns, if:
 - 1) the sales occur during no more than two periods of a maximum of three consecutive days each in any 12-month period,
 - 2) the items offered for sale consist only of items owned by a person who occupies the property as his/her residence or by friends of the resident ;
 - 3) none of the items offered for sale have been purchased for resale or received on consignment for purposes of resale, and
- h) other uses that are not regulated by this code and that are customarily associated with but subordinate to a permitted use, as reasonably determined by the city.

Section 4. Section 300.11, Subdivision 5(c) of the Minnetonka City Code, regarding specific district standards for accessory structures in the R-2 zoning district is amended as follows:

Accessory structures must conform to the setbacks established for principal structures, except for the following:

- 1) all accessory structures located more than 10 feet from a principal structure must be located a minimum of 10 feet from a rear or side lot line;
- 2) ~~all~~ accessory structures, except detached garages, must be located behind the front line of the principal structure or maintain a minimum setback of 50 feet when located between the principal structure and the front lot line, ~~must maintain a minimum setback of 50 feet;~~

- 3) ~~sheds or storage buildings less than 120 square feet in size must be located behind the rear building line of the house; and~~
- 5)4) swimming pools and sport courts must be located behind the front building line of the house, and set back a minimum of 15 feet from side and rear property lines as measured to the water line of pool or edge of the sport court. On corner lots, swimming pools and sport courts are subject to front yard setbacks established for principal structures.

Section 5. Section 300.15, Subdivision 12 of the Minnetonka City Code, regarding accessory structures, is amended as follows:

Any accessory building attached to a principal structure shall be made a structural part of the principal structure and shall comply with all requirements relating to principal structures. No accessory building which is not attached to a principal structure shall be located within six feet of a principal structure unless in conformance with fireproof requirements of the uniform building code. Accessory structures shall conform to the setbacks established for principal structures, except in R-1 and R-2 districts the following shall apply:

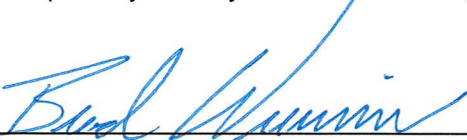
- a) all accessory structures located more than 10 feet from a principal structure may be located a minimum of 10 feet from a rear or side lot line;
- b) ~~all~~accessory structures, except detached garages, which are located between the principal structure and the front lot line shall maintain a minimum setback of 50 feet from the front lot line; and
- c) receive-only satellite dish antennas and other antenna devices subject to the following requirements:
 - 1) shall be in compliance with all city building and electrical code requirements;
 - 2) verification that the structural design has been approved by a professional engineer;
 - 3) verification that the mounting system and installation have been approved by a professional engineer;
 - 4) one per building or, if more than one antenna is proposed, the antennas shall be clustered in a single, screened location;
 - 5) submission of written authorization from the property owner;
 - 6) no advertising message shall be on the antenna structure;

- 7) shall comply with setback requirements for accessory structures and in no event shall be located between the principal structure and the front lot line;
- 8) shall be screened to the greatest extent practicable to minimize visual impacts on surrounding properties. Screening shall include landscape materials for ground mounted antennas and materials compatible with those utilized on the exterior of the building for roof mounted antennas;
- 9) antennas located closer to a property line than the height of the antenna shall be designed and engineered to collapse progressively within the distance between the antenna and the property line;
- 10) shall be in compliance with all applicable federal communications commission (FCC) requirements; and
- 11) antenna height shall be no more than 60 feet as measured from the ground upon which it is located.

Section 6. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 7. This ordinance is effective on the date of its adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on March 18, 2019.



Brad Wiersum, Mayor

Attest:



Becky Koosman, Acting City Clerk

Action on this ordinance:

Date of introduction: Feb. 11, 2019
Date of adoption: March 18, 2019
Motion for adoption: Schack
Seconded by: Calvert

Voted in favor of: Calvert, Schack, Carter, Bergstedt, Wiersum

Voted against:

Abstained:

Absent: Ellingson, Happe

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on March 18, 2019.

Becky Koosman, Acting City Clerk

City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Notice of Adoption of Ordinance No. 2019-04

To whom it may concern:

Notice is hereby given that on March 18, 2019 the Minnetonka City Council adopted Ordinance No. 2019-04, amending city code sections 300.10, 300.11, and 300.15, regarding residential zoning districts. This ordinance amends the city code sections regarding accessory structures in the R-1 zoning district.

A full copy of the Ordinance is available on the city's web site (www.eminnetonka.com) and may be viewed during regular office hours at the city clerk's office in city hall. A copy may also be obtained by standard or electronic mail.



Becky Koosman, Acting City Clerk